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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 LARRY MICHAEL FULKERSON,

Case No. 3:19-cv-00729-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 ALLSTATE INSURANCE, *et al.*,

10 Defendants.

11 Heath Vincent Fulkerson brings this *pro se* civil rights action in the name of
12 deceased Plaintiff Larry Michael Fulkerson ("Fulkerson") under 42 U.S.C. § 1983 (see
13 ECF No. 1-2 at 4; ECF No. 1-1). Before the Court is the Report and Recommendation
14 ("R&R") of Magistrate Judge Carla L. Baldwin, concerning the application to proceed *in*
15 *forma pauperis* ("IFP Application") (ECF No. 1) and *pro se* complaint ("Complaint") (ECF
16 No. 1-1). (ECF No. 3.) Any objection to the R&R was due by April 6, 2020, but none has
17 been filed. The Court will accept the R&R in full.

18 This Court "may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
20 fails to object to a magistrate's recommendation, the Court is not required to conduct "any
21 review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474
22 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir.
23 2003) ("De novo review of the magistrate judges' findings and recommendations is
24 required if, but *only* if, one or both parties file objections to the findings and
25 recommendations.") (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes
26 (1983) (providing that the court "need only satisfy itself that there is no clear error on the
27 face of the record in order to accept the recommendation").

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1 The Court finds it unnecessary to engage in de novo review to determine whether
2 to adopt Judge Baldwin's R&R and is satisfied that there is no clear error. Here, Judge
3 Baldwin recommends granting the IFP Application due to Fulkerson's inability to pay the
4 filing fee and that the Court dismiss this action with prejudice because (1) Fulkerson, as a
5 deceased individual (see ECF Nos. 1-5, 1-6), is not a proper party to this action and (2)
6 this case is duplicative of another case filed in this Court—Case No. 3:19-cv-00710-RCJ-
7 WGC. (ECF No. 3 at 3–4.) As the Court finds no clear error on the face of the record before
8 it, the Court will accept and adopt the R&R in full.

9 It is therefore ordered, adjudged and decreed that the Report and Recommendation
10 of Magistrate Judge Carla L. Baldwin (ECF No. 3) is accepted and adopted in its entirety.

11 It is further order that the IFP Application (ECF No. 1) is granted.

12 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

13 It is further ordered that the Complaint is dismissed with prejudice and without leave
14 to amend for the reasons stated herein.

15 It is further ordered that the Clerk enter judgment accordingly and close this case.

16 DATED THIS 7th day of April 2020.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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